



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We make Indiana a cleaner, healthier place to live.*

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January 18, 2002

Owners and Operators  
Underground Storage Tanks

Re: Leaking Underground Storage Tank Program  
Compliance Initiative

Dear Sir or Madam:

The Indiana Department of Environmental Management (IDEM) began a focused compliance initiative for releases from regulated underground storage tanks (USTs). The purpose of this initiative is to ensure that all owners and operators of USTs comply with the requirements for reporting, investigating and cleaning up releases of petroleum and hazardous substances from UST systems pursuant to IC 13-23 and 329 IAC 9. This letter is intended to inform you of your responsibilities and that IDEM is taking steps to ensure compliance with the laws. Failure to comply with these requirements may result in a formal enforcement action.

In order to comply with UST requirements that became effective December 22, 1998, many substandard and leaking USTs were removed and replaced with new and improved systems better able to prevent and detect releases. This work has made significant differences in the number and types of releases to our environment. However, numerous old releases are still being discovered and new releases still occur.

If the owner and operator discover a release, they must take steps, including but not limited to the following:

- Pursuant to 329 IAC 9-4, the owner and operator must report **all suspected and confirmed releases** to IDEM within 24 hours. Emergency conditions and spills subject to reporting pursuant to the Spill Rule (327 IAC 2-6.1) must be reported within two hours.
- Pursuant to 329 IAC 9-5-5.1 and 6, the owner and operator must assemble information regarding the nature and extent of contamination. An Initial Site Characterization (ISC) Report must be submitted within 45 days of the release report. Additional reports may be required within the timeframe prescribed by IDEM, if the ISC is incomplete.

- Pursuant to 329 IAC 9-5-1 and 7, a Corrective Action Plan (CAP) must be submitted that is designed to clean up the contamination. The CAP must be submitted within the timeframe prescribed by IDEM. Revisions to the CAP may be required, if it is inadequate.

As the owner and operator of regulated USTs, you are responsible for complying with these requirements. You should become familiar with these requirements to ensure that you are in substantial compliance with the regulations. You can purchase a copy of the regulations and guidance by contacting the Leaking UST Section at 317/232-8900 or toll free at 800/451-6027, ext. 2-8900. You can also visit our web page at <http://www.state.in.us/idem/olq/programs/lust/index.html> to obtain these documents.

Experience has proven that timely reporting and quick response to spills and releases lessen the impacts to human health and the environment, e.g. sewers, groundwater, basements, and surface water. Furthermore, quick response reduces the average cleanup time and subsequent costs associated with a cleanup.

In order to ensure that the information gathered and submitted to the IDEM is appropriate and that the information and subsequent corrective action plan is technically sound, the owners and operators must use a qualified environmental professional including, but not limited to, Licensed Professional Engineer, Licensed Professional Geologist (LPG), or Certified Hazardous Materials Manager (CHMM). The selection of an environmental consultant is a very important part of this process and one an owner and operator should consider carefully. It should be understood that per the regulations, owners and operators are ultimately responsible for the work performed at their sites and the documentation that is submitted to IDEM. Also, it is the owners and operators who face the potential and consequential enforcement with civil penalties and/or loss of Excess Liability Trust Fund (ELTF) eligibility for non-compliance with the regulations.

The Underground Storage Tank Program has made great strides to protect vital resources such as the ground water and surface water of this state. Therefore it is extremely important that owners and operators comply with the requirements to report, investigate and clean up releases from USTs. IDEM, as the agency assigned with the task of regulating USTs, is committed to ensuring compliance with the regulations.

UST owners and operators that have questions or have not taken the appropriate steps described in this correspondence should call 317/232-8900 or toll free at 800/451-6027 ext. 2-8900 to report a release and start to clean up their sites.

Craig Schroer, Section Chief

Leaking Underground Storage Tank Section  
Office of Land Quality

cc: Environmental Consultants and Contractors